

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1	UNITED STATES OF AMERICA,)	No. C-04-4520 SC
2)	
3	Plaintiff,)	
4)	ORDER DISMISSING
5)	PLAINTIFF'S MOTION
6	v.)	FOR AN ORDER TO SHOW
7)	<u>CAUSE</u>
8	ADAM CHUNG-SHIAING WANG,)	
9	Defendant.)	
10)	

Plaintiff United States of America has filed a motion for an order to show cause why Defendant Adam Chung-Shiaing Wang should not be held in contempt for failing to comply this Court's October 20, 2005 Order to surrender any indicia of citizenship to the Attorney General. Defendant Wang has filed a notice of appeal from this Order and the Order of Judgment.

"The filing of a notice of appeal is an event of jurisdictional significance - it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Trulis et al. v. Barton et al., 107 F.3d 685, 694-695 (9th Cir. 1997), quoting Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982).¹

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¹ The District Court does retain jurisdiction over timely motions brought under Federal Rule of Civil Procedure 59 and over collateral aspects of a case, such as a motion for sanctions under FRCP 11. See Federal Rule of Appellate Procedure 4(a)(4); Willy v. Coastal Corp. et al., 503 U.S. 131, 137-138 (1992).

1 The Court finds that it lacks jurisdiction over this motion
2 because it is directly related to those aspects of the case
3 involved in the appeal.

4 When a court lacks jurisdiction, the "only function remaining
5 to the court is that of announcing the fact and dismissing the
6 cause." Ex parte McCardle, 7 Wall. 506, 514 (1868).

7 Accordingly, the Court DISMISSES the motion for want of
8 jurisdiction.

9 IT IS SO ORDERED.

10 Dated: February 22, 2006

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13 UNITED STATES DISTRICT JUDGE
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